

### **REMARKS**

Claims 21-40 are pending. Claims 21, 35-37 and 40 have been amended. Applicants respectfully request reconsideration of these claims.

#### **Interview Summary**

Applicants thank the Examiner for participating in a telephonic interview on November 30, 2009 to discuss the cited prior art and pending claims. No agreements were reached.

#### **Information Disclosure Statement**

The Examiner did not consider certain references contained in an IDS dated October 20, 2009. Applicants have submitted herewith a corrected IDS and respectfully request reconsideration of the cited references.

#### **Objection to Claim 35**

The Examiner objected to claim 35 as previously amended due to certain claim previously presented claim language being omitted from the amended claim. Applicant treated this objection as resulting in the non-entry of the amendments submitted in Applicant's prior response. Accordingly, claim 35 as currently amended has been corrected to include the omitted language in clean form and both the previously submitted amendments and current in marked-up form. Entry is respectfully requested.

#### **Rejection under 35 U.S.C. §112**

Claims 21-35, 30 and 40 were rejected as being indefinite. These claims have been amended to recite that a space/cavity exists between and adjacent to the liner and an inner surface of the socket. Applicants submit that the claims as amended are definite and fully supported by the specification and figures.

Rejection under 35 U.S.C. §102(b)

Claims 21-27, 31, 33, 34, 36 and 37 stand rejected under §102(b) as being anticipated by U.S. 5,702,489 to Slemker. The Office Action concluded that Slemker discloses each feature of the claim, including a vacuum source in fluid communication with a space 34.

Independent claims 21 and 36 have been amended to recite that the socket has an inner socket surface that defines the cavity to receive the liner and residual limb. These claims have further been amended to recite that a space exists between and directly adjacent to both the inner socket surface and the liner when the liner is received in the cavity.

The socket disclosed in Slemker does not disclose a space in the cavity that is both between the liner and inner cavity surface and directly adjacent to the liner and inner cavity surface as claimed. In particular, the space 34 is not directly adjacent the liner worn on the limb due to the presence of the interface cushion 28. Additionally, there is no space between the interface cushion 28 and liner when the residual limb is received into the cavity. (Col. 6, lines 11-14) ("the distal position of the valve plate assembly guarantees that substantially no air pockets are left between the residual limb and the interface cushion."). This is contrary to the express language set forth in claims 21 and 36, which require a space in communication with the vacuum source. Withdrawal is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 28-30, 32, 35 and 38-40 are rejected under §103(a) as unpatentable over Slemker. Claims 28-30, 32, 39 and 40 include each limitation of claim 21 and claim 38 includes each limitation of claim 36. Independent claims 21 and 36 are patentable for the reasons discussed above, and accordingly, claims 28-30, 32 and 38-40 are patentable for at least the same reasons. Like independent claims 21 and 36, independent claim 35 recites that the socket has an inner socket surface that defines the cavity to receive the liner and residual limb, and that a space exists between and adjacent to the inner socket surface and the liner when the liner is received in the cavity. Accordingly, claim 35 is patentable for at least the same reasons as discussed above with respect to claims 21 and 36.

**Conclusion**

The pending claims are in condition for allowance. If the Examiner has any additional questions, he is encouraged to contact the undersigned.

Respectfully submitted,

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